

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

SHOSHANA ELMORE, individually, and  
as next friend of B.B., a minor child,

Plaintiff,

vs.

TIMOTHY ROBERTS

Defendant.

Case No. 18-CV-563-FHM

**OPINION AND ORDER**

Plaintiff's Motion to Distribute Settlement, [Dkt. 52], is before the court.

Plaintiff advises that the case settled on July 30, 2019 for \$19,000. Plaintiff's counsel claims an attorney fee lien in the amount of \$1,067.93 in costs and \$8,069.43 in attorney fees. There are medical liens in the amount of \$16,376.25 to be paid from the \$9,862.64 remainder of the settlement funds. Given the forgoing numbers, a pro rata distribution of the settlement funds would be approximately \$.60 on the dollar. Plaintiff advises there is some disagreement among those having claims about the appropriate distribution of the remaining funds. Therefore, Plaintiff requests a hearing be set to determine the distribution of the remaining settlement funds among the lienholders.

A hearing is set on the 6<sup>th</sup> day of November, 2019, at 10:00 o'clock in Courtroom No. 2 on the third floor of the Page Belcher Federal Building, 333 W. 4<sup>th</sup> Street, Tulsa, OK. The court will hear arguments and determine the equitable distribution of the remaining settlement funds.

Any claimant objecting to a pro rata distribution of the remaining funds is required to file a notice in this case specifying: 1) the legal and factual basis of the objection; 2) the evidence to be presented in support of the objection; and 3) witnesses that will testify

in support of the objection. Any such notice must be filed on or before the 16th day of October, 2019. Plaintiff shall provide copies of any notice filed to all claimants.

If no objections are filed, the court will order the pro rata distribution of the remaining settlement funds according to the following schedule:

Dr. Kevin McFarland	\$4,711.00
Dr. Rick Huskey	3,659.00
Dr. Derek Coffman	2,232.00
Dr. Kenneth Trinidad	985.00
Tulsa Diagnostic Imaging	3,700.00
Aetna	1,089.25

Plaintiff is required to give notice of this order to all having claims on the remaining settlement funds.

SO ORDERED this 6th day of September, 2019.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE